

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1015 (GBW)
	)	
SAREPTA THERAPEUTICS, INC.,	)	
	)	
Defendant.	)	
<hr/>		
SAREPTA THERAPEUTICS, INC. and	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
	)	
Defendant/Counter-Plaintiff,	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD.	)	
and NS PHARMA, INC.	)	
	)	
Plaintiff/Counter-Defendants.	)	

**SAREPTA THERAPEUTICS, INC.’S MOTION TO COMPEL**

Pursuant to the Court’s procedures for resolution of discovery disputes and disputes relating to protective orders (D.I. 143, Paragraph 4(g)), the Order Appointing Special Master (D.I. 219, ¶ 3(a)), and Special Master Order #4 (D.I. 306), Sarepta Therapeutics, Inc. (“Sarepta”) hereby moves for an order compelling Nippon Shinyaku Co., Ltd. (“NS”) to produce:

- (i) a Rule 30(b)(6) witness to provide testimony on three research reports in NS’s custody (NS00102924-987, NS00102988-3060, NS000103061-110, collectively the “CERI Reports”);
- (ii) all documents relating to the CERI Reports and any correspondence within NS, between NS and the Chemical Evaluation and Research Institute, and between NS and any other entity or individual, regarding the CERI Reports; and

- (iii) an additional Rule 30(b)(6) witness with respect to Sarepta's Topic No. 31, relating to the first awareness by NS and/or National Center of Neurology and Psychiatry of Popplewell et al., Neuromuscul Disord (2010) 20:102-10 and U.S. Patent Publication No. 2010/0168212.

The bases for these requests are set forth in the letter brief that is being submitted to the Special Master concurrent with this motion.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

OF COUNSEL:

Charles E. Lipsey  
J. Derek McCorquindale  
Ryan P. O'Quinn  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
1875 Explorer Street, Suite 800  
Reston, VA 20190-6023  
(571) 203-2700

William B. Raich  
Michael J. Flibbert  
Yoonhee Kim  
Yoonjin Lee  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

Alissa K. Lipton  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
Two Seaport Lane  
Boston, MA 02210-2001  
(617) 646-1600

August 15, 2023

---

Jack B. Blumenfeld (#1014)  
Megan E. Dellinger (#5739)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisnichols.com  
mdellinger@morrisnichols.com

*Attorneys for Defendant/Counter-Plaintiffs  
Sarepta Therapeutics, Inc. and The University of  
Western Australia*